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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,446	01/30/2004	Randall L. Redman	006593-1969	7990
33375	7590	03/09/2006	EXAMINER	
THOMPSON HINE LLP P.O Box 8801 DAYTON, OH 45401-8801			GHATT, DAVE A	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/769,446	Applicant(s) REDMAN ET AL.	
	Examiner Dave A. Ghatt	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8,10-26 and 29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6,8 and 18-26 is/are allowed.
- 6) ☒ Claim(s) 10-14 and 17 is/are rejected.
- 7) ☒ Claim(s) 15,16 and 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the removable cassette, as well as the printing device including the print media compartment, as recited in claims 9, 30, and 31 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claim 29 is objected to because of the following informalities: Claim 29 depends on canceled claim 27. It appears as though the applicant meant to have claim 29 depend on claim 26. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keller (US 6,164,203) in view of Goodwin et al. (US 5,486,259). Keller (US 6,164,203). Keller teaches the claimed invention. With respect to claims 10 and 13, as shown in Figures 2-4 and 36-38, Keller teaches the claimed apparatus. Figures 2-4 of Keller teach a label printing apparatus for accommodating a plurality of widths of rolled label stock, comprising a frame (inner wall) 71 and a label stock support arm 50 extending from/past said frame (inner wall) 71. Figure 4 shows a print head 69 located for having label stock pass thereby for printing. Figures 2-4 also teach a label stock path extending from the label stock support arm to the printhead. Figures 2-4 further teach a label stock guide position (shown generally at 60) along the guide region. In fact, Keller teaches all the claimed subject matter except the guide of Keller does not include recessed portions as claimed. As shown in Figure 2, Goodwin teaches a label printing apparatus similar to that of Keller. As shown in Figure 2, Keller teaches a stock guide position 24. As shown in

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Figure 10, Goodwin et al. teaches the guide 24 has edges 155 spaced apart by a distance to fit a first label stock and a second recessed guide region with spaced apart edges (156, 156), spaced by a distance to fit a second label stock width therein. To one of ordinary skill in the art, it would have been obvious to include a guide as taught Goodwin, in the apparatus of Keller, in order to accommodate for webs of various widths, as taught in column 6 lines 12-27 of Goodwin.

With respect to claim 12, as outlined above, Keller does not teach the recited guide structure. As shown in Figure 10, Goodwin teaches a third recessed guide region with edges (157, 157) spaced apart. As stated above, to one of ordinary skill in the art it would have been obvious to include a guide as taught Goodwin, in the apparatus of Keller, in order to accommodate for webs of various widths, as taught in column 6 lines 12-27 of Goodwin.

With respect to claim 13, the primary reference Keller teaches the recited structure. Figures 36-38 shows an embodiment (500) of the support arm and having at least two stepped regions (shown at 503, 504, 505, and 506) for supporting rolled label stock (print media) R, including a first stepped region (503, 504) sized to correspond to a first width of label stock (print media) R and a second stepped region (505, 506) with edges spaced apart by a second distance corresponding to a second width of label stock (print media) R.

With respect to claim 14, the print head 69 of the primary reference Keller must include printing elements that print in the manner as recited, in order for the invention to be operable.

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Keller in view of Goodman as applied to claim 10 above, and further in view of Southwell et al. (US 5,232,540). As outlined in the above rejection to claim 10 Keller and Goodwin teach all the claimed

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structure, except for a reclamation arm for collecting label stock backing. Southwell et al. teaches a label printing arrangement similar to that of Keller and Goodwin. As illustrated in Figure 2, Southwell et al. teaches a reclamation arm at 66 for collecting label backing after the labels have been stripped. To one of ordinary skill in the art, it would have been obvious to use an arrangement including a reclamation arm, as taught by Southwell et al., in the apparatus of Keller and Goodwin, in order to properly dispose of the backing layer after stripping.

6. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Keller and Goodwin as applied to claim 10 above, and further in view of Van Arnam et al. (US 3,817,177). As outlined in the above rejection to claim 10 Keller and Goodwin teach all the claimed structure, except for a removable printer cassette that includes the label stock support arm and label guide positioned therein. As illustrated in Figure 3, Van Arnam et al. teaches a label printer similar to that of Keller and Goodwin. As outlined in the abstract and in column 3 lines 37-67, Van Arnam et al. teaches the label stock being in a removable cassette including a support arm and means for guiding the strip from the roll over a printing platen and around a peeling dispensing lip. In view of this teaching of Van Arnam et al., it would have been obvious to one of ordinary skill in the art to include a removable cassette including a guide and a label support arm as taught by Van Arnam et al., in the invention of Keller and Goodwin, in order to accomplish loading of the labeler, as taught by Van Arnam et al. in column 3 lines 37-38.

Allowable Subject Matter

7. Claims 1-8 and 18-26 are allowed.

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8. Claim 29 is objected to, but would be allowable if rewritten to overcome the objection based on a minor informality.

9. Claims 15 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

10. Applicant's arguments filed May 6, 2005 have been fully considered by the Office. In view of the amendments to claim 1, claims 1-6 and 8 have been allowed. In view of the amendment to claim 10, a new ground of rejection has been applied. The applicant should note that claim 17 is now rejected even though this claim was previously indicated as having allowable subject matter. In view of this new ground of rejection to claim 17, this office action has been made NON-final.

Conclusion


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave A. Ghatt whose telephone number is (571) 272-2165. The examiner can normally be reached on Mondays through Friday 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H. Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DAG



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